

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Public hearing on proposed Ordinance creating a Light Rail Overlay to govern permitting for the East Link Light Rail project.

STAFF CONTACTS

Mike Brennan, Director	452-4113
Carol Helland, Land Use Division Director	452-2724
Catherine A. Drews, Legal Planner	452-6134
<i>Development Services Department</i>	

Mary Kate Berens, Deputy City Attorney	452-4116
<i>City Attorney's Office</i>	

Mike Bergstrom, Senior Planner	452-6866
<i>Planning and Community Development</i>	

POLICY ISSUES

The City Council is considering an amendment to the Bellevue Land Use Code (LUC) in order to create permitting processes, development standards and design guidelines specific to light rail facilities. The LUC currently does not include processes or requirements specific to light rail facilities, a type of essential public facility (EPF) as defined by RCW 36.70A.200(1). The lack of specific regulations creates confusion and uncertainty for all parties interested in Sound Transit's East Link project, including Bellevue residents potentially impacted by the project, City staff seeking to implement Council policies for light rail, and Sound Transit staff and consultants engaged in final project design.

In addition, LUC provisions do not apply to the portions of the light rail system that will be located in city rights-of-way, leaving a gap for permitting standards applicable to major project components. A process gap exists under the current LUC as well, with different permitting processes and levels of public review applicable to the proposed East Link alignment.

The City has previously completed the policy work that provides the foundation for adoption of the draft code amendment. That policy work included extensive review of light rail facilities in other parts of the country by a panel of interested and affected citizens, Council members, and representatives from City commissions. This panel developed the City's Light Rail Best Practices Report. Further public outreach and policy work developed the City's existing Comprehensive Plan policies regarding high capacity transit. Amending the LUC for light rail use is consistent with and is the culmination of the City's Light Rail Best Practices and other policy work. In addition, processing an amendment to the LUC to address light rail facilities implements the City's commitments contained in the Memorandum of Understanding (MOU) between the City of Bellevue and Sound Transit.

Future Council Study Sessions following tonight's public hearing are expected to focus on the specific content of the draft Land Use Code amendment (LUCA), and will include discussion of policy issues surrounding:

- An appropriate permitting process that both allows for a clear permitting path and provides citizens a meaningful opportunity to engage in review of project design and mitigation, consistent with City code;
- The appropriate mitigation for impacts typically addressed through the LUC, including impacts to critical areas, visual impacts, and mitigation to address compatibility with or an appropriate transition to surrounding land uses (mitigation of other types of impacts, like traffic and noise, are addressed in other codes that are not under consideration for amendment at this time); and
- The appropriate base design guidelines and development standards for light rail in the various land use districts through which the facility will pass.

DIRECTION NEEDED FROM COUNCIL:

<u> </u>	Action
<u> X </u>	Discussion
<u> X </u>	Information

We anticipate significant public testimony during the hearing. For that reason, and because other agenda items will require significant Council attention as well, staff is not requesting significant Council discussion and direction on the content of the proposed amendment.

As was done on October 8, **we will ask Council to provide information on those areas or topics of particular interest. Additional Council review of the amendment is tentatively scheduled for November 13, November 26, December 3 and December 10.**

BACKGROUND and ANALYSIS

Available Materials

The agenda materials provided in support of tonight's public hearing include:

- The Staff Report on the draft LUCA for the Light Rail Overlay (Attachment A). This staff report follows the format and content typically prepared in advance of a public hearing on an amendment to the LUC. It includes a description of the amendment, provides information regarding the formal notices required and any public feedback received to date, and includes an analysis of the proposed amendment's consistency with the decision criteria that must be satisfied for an amendment to the LUC.
- The draft Light Rail Overlay District - Part 20.25M (Attachment A-1). The draft amendment is unchanged in substance from the version provided to the Council on October 8. Additional "comment bubbles" have been added to provide clarity about the source or intent of the draft provisions, or to capture feedback provided by the Council on October 8. We have not attempted to respond to that Council feedback, but have noted the need to return to the questions raised by Council after the public hearing and as we work through the amendment process.
- A list of questions raised by Council during the October 8 and September 17 Study

Sessions on this topic (Attachment B). We plan to update this list after each Council meeting on this topic, and as responses are developed by staff. The list will be updated and available on the City's webpage for the Light Rail Overlay which can be accessed via the following link: <http://www.bellevuewa.gov/light-rail-overlay.htm>.

- The affidavit of publication associated with the public hearing notice that appeared in *The Seattle Times* (Attachment C).

In addition to the agenda materials provided in support of the public hearing, staff has also compiled reference material in binders for Councilmembers, which you may find helpful as work on the draft code amendment progresses.

The material in the binders includes:

1. Draft Code Amendment prepared for the Public Hearing (duplicate to amendment included as Attachment A-1)
2. "Gap Map" described on October 8 and showing discrepancies in existing applicable permit processes
3. Matrix of Applicable LUC Provisions (Provided with October 8 study session materials)
4. Code sections cited in the draft code amendment
5. Comprehensive Plan Policies regarding Regional Transit
6. Light Rail Best Practices Final Report
7. Relevant excerpts from the MOU with Sound Transit
8. South Bellevue Park and Ride original CUP approval
9. Essential Public Facility (EPF) code amendment background materials from the City's 2003 EPF amendment
10. Prior Council meeting materials on the proposed code amendment
11. Responses to Council questions and information requests (duplicate to material provided as Attachment B to October 22 Study Session materials).

A duplicate binder is available for public review at the City Records Center on the 1st floor of Bellevue City Hall, and the binder information is also available on the City's webpage for the Light Rail Overlay which can be accessed via the following link: <http://www.bellevuewa.gov/light-rail-overlay.htm> .

Code Amendment Notice and Outreach

Several questions have been raised regarding code amendment notice, and what opportunities the public has to get involved with development of the Light Rail Overlay regulations. Three public notices have been published in the Weekly Permit Bulletin. Notices of the City's intent to undertake development of a Light Rail Overlay were published on September 13, and again on September 27. Notice of an October 22 public hearing on the Draft Light Rail Overlay was published in the Weekly Permit Bulletin on October 4 with a link to the draft code package, and in *The Seattle Times* on October 8.

Staff briefed the East Bellevue Community Council regarding the Light Rail Overlay code amendment proposal on October 2, which offered an opportunity for citizens to discuss the upcoming amendment and share their input. Drop-in sessions on the Cost Savings Work Plan Findings were also held on October 2-4 at three locations in the City. Staff from the Code Amendment and Permitting Framework Technical Working Group attended these meetings to

answer questions regarding the code amendment process, and to take community feedback regarding the Light Rail Overlay proposal. Information regarding the code amendment has also been posted to the East Link project pages of the City's website and is available at the following link: <http://www.bellevuewa.gov/light-rail-overlay.htm> .

Staff briefed the Council on October 8 during the Council's Extended Study Session in preparation for the October 22, public hearing. Written and oral public comments were received at the October 8 Study Session and have been included in the project file.

The code amendment continues to track along the schedule presented to Council on July 16. This schedule was developed by working backwards from the year-end code adoption date contained in the MOU, and then setting timeframes for required notice and environmental review to be accommodated. Important remaining opportunities for public input are identified below.

Scheduled Date/Timeframe	Engagement Opportunity
October 22	Public Hearing before the City Council
November 13	Study Session(s) to refine the amendment as needed
November 26	
Late November*	SEPA Threshold Determination on code amendment expected <ul style="list-style-type: none"> • Comments accepted until SEPA determination made • SEPA Determination required prior to Council final action
December*	Anticipated final Council action on amendment

*Timing of the SEPA determination and Council final action reflects a schedule consistent with the MOU. This schedule may be modified to accommodate additional study sessions as necessary for Council to develop an ordinance ready for final action.

ALTERNATIVES

1. Hold the public hearing on proposed Ordinance and provide feedback to staff on areas of interest or concern for further discussion; or
2. Decline to hold the public hearing and provide alternative direction to staff.

RECOMMENDATION

Hold the public hearing on proposed Ordinance and provide feedback to staff on areas of interest or concern for further discussion.

MOTIONS

1. Move to open the public hearing on proposed Ordinance creating a Light Rail Overlay to govern permitting for the East Link Light Rail project.
2. Move to close the public hearing on proposed Ordinance and provide feedback to staff on areas of interest or concern for further discussion.

ATTACHMENTS

- A. Staff Report on draft Light Rail Overlay Land Use Code Amendment
- A-1. Draft Light Rail Overlay Ordinance
- B. Responses to Council Questions and Information Requests
- C. Affidavit of Publication for Public Hearing Notice

AVAILABLE IN COUNCIL OFFICE

Light Rail Overlay Reference Binder
Land Use Code Amendment File

City of
Bellevue



Staff Report

DATE: October 22, 2012

TO: Mayor Lee and Members of the City Council

FROM: Mike Brennan, Director, Development Services Department
Carol Helland, Land Use Director, Development Services Department
Catherine A. Drews, Legal Planner, Development Services Department
Kate Berens, Deputy City Attorney, City Attorney's Office
Mike Bergstrom, Senior Planner, Planning and Community Development

SUBJECT: Consolidated Land Use Permitting for Regional Light Rail Transit: Part 20.25M-Light Rail Overlay District, LUCA, File No. 12-113861-AD

This staff report analyzes the draft Land Use Code amendment (LUCA) developed to provide a consolidated permitting process for the East Link light rail system. This draft LUCA would create a Light Rail Overlay District that applies wherever a regional light rail system or facility is proposed or constructed. Two alternative permitting options would be provided. The development agreement process is the first option, and if the City and Sound Transit do not enter into a development agreement, a conditional use permitting option is provided. The draft LUCA also includes development standards, design guidelines, and an administrative modification process. These provisions are intended to provide certainty to citizens, Sound Transit, and staff by filling code coverage gaps that exist either because light rail facilities will be located in land use districts that did not contemplate this use, or because some light rail facilities will be located in right-of-way where the Land Use Code (LUC) does not apply. A copy of the draft LUCA is included with this memorandum as Attachment A-1.

At the conclusion of the October 22, 2012, public hearing, staff will ask Council to provide information on those areas or topics of particular interest. Additional Council review of the amendment is tentatively scheduled for November 13, November 26, December 3 and December 10, 2012.

I. BACKGROUND

On November 15, 2011, the City and Sound Transit entered into the Umbrella Memorandum of Understanding for Intergovernmental Cooperation between the City of Bellevue and the Central Puget Sound Regional Transit Authority for the East Link Project (MOU). Under Paragraph 6.1 of the MOU, the City and Sound Transit agreed to the following:

"to work cooperatively to identify and process a package of LUC and other technical code amendments that, if adopted, would accomplish the following objectives:

- a) *Provide certainty and predictability for the City, Sound Transit and the public with respect to land use code requirements and processes;*
- b) *Allow the City Council, through a development agreement, to establish a comprehensive and consolidated permit process for the Project;*
- c) *Add provisions in the LUC to accommodate Light Rail Transit Facilities and Systems as a permitted use allowed under the consolidated permit process;*
- d) *Allow for extended vesting or duration of land use approvals for the Project;*
- e) *Provide a mechanism for addressing any LUC requirements that are impractical or infeasible for the Project; and*
- f) *Resolve identified technical code conflicts.”*

Amendments to the LUC are legislative, non-project decisions by the City Council under its authority to establish regulations regarding future private and public development. These legislative actions are defined as Process IV decisions in the Land Use Code (LUC 20.35.015.E).

In addition to the objectives identified in Paragraph 6.1, Exhibit G of the MOU refined and added to the desired objectives, and provided guidance by stating that:

- *Analysis of technical infeasibility under the code should be based on the Project description contained in the MOU;*
- *Amendments to the LUC should add definitions to accommodate light rail uses and related facilities;*
- *Extended vesting of land use approvals should be granted through a development agreement; and*
- *Allowances for further administrative modifications to the LUC requirements should be made through the applicable permitting process if such code requirements would be impracticable or infeasible for the Project.*

The MOU set forth timing expectations for the code amendment work. Section 14.1 of the MOU provides that Sound Transit may, in its sole discretion, terminate the MOU or work cooperatively to identify revisions to the MOU if the code amendments described in Paragraph 6.1 of the MOU have not been approved by the City Council as of December 31, 2012. The draft LUCA represents staff efforts to provide Council with a code amendment package that is consistent with the objectives and agreements of the MOU described above.

On July 16, staff updated the City Council on MOU-directed work related to amendments identified for inclusion in the City's LUC. That discussion focused on the objectives for the amendments, as agreed to in the MOU, as well as the process for amending the LUC. Public notice of the City's intention to initiate the process to develop a code amendment and perform associated environmental review of the

legislation under the State Environmental Policy Act (SEPA) was provided on September 13, 2012.

On September 17, the City Council held another Study Session to provide staff with direction on a draft approach for addressing light rail in the LUC. This meeting represented a first step in the process of amending the LUC consistent with the agreements contained in the MOU. Over the last several years, the City Council has gained extensive knowledge regarding light rail construction and operation in preparation for East Link's anticipated traverse through the City. Consequently, the City Council retained responsibility for crafting the code amendments agreed upon in the MOU, instead of sending them to the Planning Commission for development and recommendation.

The Council's early engagement in the process set clear expectations that an appropriate code amendment would need to preserve Council control, facilitate a compatible design, ensure impact mitigation, and provide continuity, certainty, and predictability for Bellevue's citizens, Sound Transit, and staff. Transparency in the code amendment process was also viewed as essential. Feedback from the September 17 study session guided staff preparation of draft Land Use Code language to achieve MOU and City objectives for light rail permitting, design, mitigation, and process certainty.

II. DRAFT LAND USE CODE AMENDMENT

On October 8, staff introduced the draft code amendment language for a Light Rail Overlay. The draft LUCA is based on Council direction received at the September 17 Study Session. The amendment would provide certainty for citizens, staff, and Sound Transit alike. Citizens would have equal opportunities for participation and input in the design review of the system, where now such opportunities are not consistently available. Sound Transit would realize consistent permitting requirements along the alignment, and staff would benefit from ease of administration related to standards and guidelines that apply throughout the alignment.

Please note that the draft code amendment language has not been revised based on Council discussion that occurred during the October 8 Study Session. Staff will begin revising the draft code language once direction is received from Council on issues identified in the draft code and after the public hearing on October 22. Council may schedule additional study sessions in November and provide additional direction regarding the LUCA. To facilitate City Council and public review of the Draft Light Rail Overlay LUCA, staff has annotated specific sections and paragraphs with "comment bubbles" to describe the origin of or rationale for the specified section or paragraph.

The draft LUCA creates a Light Rail Overlay District that would apply wherever a regional light rails system or facility is proposed or constructed in Bellevue. The amendment would provide permit process continuity along the entire alignment. The amendment would also fill code coverage gaps that exist because light rail will be

located in land use districts that did not accommodate light rail or because light rail will be located in right of way where the land use code does not apply. The LUCA contains six primary parts:

1. General Section and Definitions – LUC 20.25M.010 and 020. The paragraphs in the General Section describe code applicability, the purpose of the overlay, who may apply for a permit under the overlay provisions, and what City regulations are made applicable to a light rail system or use governed by the overlay. A Definitions Section with terms applicable to the light rail overlay district follows the General Section.
2. Required Permits – LUC 20.25M.030. The Required Permits section describes the two alternative permit paths that Council confirmed should be included in the Draft Overlay. The first permit path is referred to as the “development agreement” process, and would apply to East Link where the project alignment through Bellevue has been approved by the City Council through a formal action. After completion of the required public notice and public hearing process, the City Council and Sound Transit could enter into a development agreement that would allow the City to establish additional design standards and mitigation measures that create project certainty.

The second permitting path would apply to East Link if there was no Council action approving the alignment. As an essential public facility (EPF), the City must ensure that its policies and LUC regulations do not preclude light rail. As is typical with other EPF in the City’s code, staff is suggesting that the conditional use permit process be preserved as a permitting path safety net in the event that a development agreement is not approved. Following either of the above-described permitting paths, subsequent design, development, and shoreline permit review would be required consistent with the LUC or any modifications approved through a development agreement.

3. Development Standards – LUC 20.25M.040. The Development Standards section imposes traditional standards that are applicable to the use and development of land, but may not currently apply to light rail facilities in the absence of a code amendment. Topics such as height, setbacks, landscaping, and light and glare are addressed in this section.
4. Design Guidelines – LUC 20.25M.050. The Design Guidelines section includes code provisions that address the look, feel, compatibility, and user experience for light rail facilities such as the stations, equipment, tunnel portals, and other structures both accessible and unmanned. These guidelines draw heavily from the Light Rail Best Practices work and subsequent committee recommendations.
5. Administrative Modification Process – LUC 20.25M.060. The Administrative Modification section includes a modification process drafted in response to objectives included in Paragraph 6.1 of the MOU.

6. Conformance Amendments. This final portion of the draft code amendment includes a list of placeholders where additional code amendment drafting will be necessary to ensure consistency between the new Light Rail Overlay and existing LUC provisions in other chapters and parts of the code.

In several locations, the draft amendment indicates where Council input is needed, such as where a procedural choice needs to be made, or where a conflict exists between currently applicable codes and the project as it is described in the MOU. Future Council study sessions following the public hearing are expected to focus on the specific content of the draft LUCA, and will include discussion of policy issues surrounding:

- An appropriate permitting process that both allows for a clear permitting path and provides citizens a meaningful opportunity to engage in review of project design and mitigation, consistent with City code;
- The appropriate mitigation for impacts typically addressed through the LUC, including impacts to critical areas, visual impacts, and mitigation to address compatibility with or an appropriate transition to surrounding land uses (mitigation of other types of impacts, like traffic and noise, are addressed in other codes that are not under consideration for amendment at this time); and
- The appropriate base design guidelines and development standards for light rail in the various land use districts through which the facility will pass.

III. STATE ENVIRONMENTAL POLICY ACT (SEPA)

Environmental review of this proposal is proceeding under the “Integrated SEPA/GMA” process authorized by WAC 197-11-210, to ensure consideration of environmental issues in the development of a draft LUCA. It is anticipated that the Environmental Coordinator for the City of Bellevue will determine that adoption of the proposed LUCA will not result in any probable, significant, adverse environmental impacts. Because a DNS is likely, the “Optional DNS Process” authorized by WAC 197-11-355 is also being used. When the final feedback on the draft LUCA has been provided by Council, the SEPA environmental checklist will be updated. The updated checklist and anticipated final threshold determination of nonsignificance (DNS) must be issued before final Council action is taken on the amendment.

IV. PUBLIC NOTICE, PARTICIPATION, COMMENT AND RESPONSE

A Notice of Application for this draft code amendment was initially published in the Weekly Permit Bulletin on September 13, 2012 and republished on September 27, 2012. Notice for the October 22, 2012 public hearing was published in the Weekly Permit Bulletin on October 4, 2012 and in the Seattle Times on October 8, 2012.

The contemplated amendment is within the jurisdiction of the East Bellevue Community Council (EBCC). A courtesy hearing was held before the EBCC at their regular meeting October 2, 2012. Notice of the courtesy hearing was published in the Seattle Times on September 25, 2012. Staff will return to the EBCC for a final action on the amendment

following Council action. Final action by the EBCC is anticipated within 60 days of any Council action.

Drop-in sessions on the Cost Savings Work Plan Findings were held on October 2-4 at three locations in the city, and staff from the Code Amendment and Permitting Technical Working Group attended these meetings to answer questions regarding the code amendment. Information regarding the amendment was also posted to the East Link project pages of the City internet website and can be reviewed accessed through the following link: <http://www.bellevuewa.gov/light-rail-overlay.htm> .

Under the requirements of the Growth Management Act, state agencies must be given an opportunity to review and comment on draft amendments to the LUC. Copies of the draft amendment were provided to the state agencies on October 5, 2012. No comment letters were received by DSD from the state agencies before release of this staff report. One comment letter was received by Council during the October 8 Study Session, and that letter has been included in the project file. Comments received after release of the staff report will be forwarded to Council before the public hearing.

V. APPLICABLE DECISION CRITERIA – LAND USE CODE PART 20.30J

The City Council may approve or approve with modifications an amendment to the text of the Land Use Code if:

A. The amendment is in accord with the Comprehensive Plan; and

The City has previously completed policy work that provides the foundation for adoption of the draft code amendment. That policy work included extensive review of light rail facilities in other parts of the country by a panel of interested and affected citizens, Council members, and representatives from City commissions. This panel developed the City's Light Rail Best Practices Report. Further public outreach and policy work supported development of the City's existing Comprehensive Plan policies regarding high capacity transit. Amending the LUC for light rail use is consistent with and is the culmination of the City's Light Rail Best Practices and other policy work. The draft amendment is consistent with Land Use, Economic Development, and Transportation policies listed below. The Light Rail Overlay created by the amendment would provide a mechanism by which many of these policies can be implemented:

LU-9. Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area.

LU-22. Protect residential areas from the impacts of non-residential uses of a scale not appropriate to the neighborhood.

LU-24. Encourage adequate pedestrian connections with nearby neighborhood and transit facilities in all residential site development.

ED-3. Develop and maintain regulations that allow for continued economic growth while respecting the environment and quality of life of city neighborhoods.

TR-75.1. Develop a light rail system in collaboration with the regional transit provider that advances the City's long-term transportation and land use objectives, minimizes environmental and neighborhood impacts, and balances regional system performance.

TR-75.2. Use the Light Rail Best Practices Report, including City expectations of Sound Transit, to guide City actions and advocacy in pursuit of the best community outcomes for developing and operating light rail transit in Bellevue.

TR-75.12. Partner with the regional transit provider to design transit stations and facilities incorporating neighborhood objectives and context sensitive design to better integrate facilities into the community. This includes, but is not limited to the following:

1. Incorporating superior urban design, complementary building materials, and public art; and
2. Providing substantial landscaping at stations and along the alignment, including retained significant trees and transplanted trees that are, at a minimum, saplings.

TR-75.15. Formulate standards and guidelines that can be applied by the regional transit provider to create stations that are a valued place in the community by providing:

1. Access and linkages to the surrounding community;
2. A comfortable place to be, not just pass through;
3. A place that works for both large and small numbers of people; and
4. Design that encourages social interaction among people.

TR-75.17. Protect Bellevue's residential and commercial areas from the negative effects of light rail by promoting actions of the regional transit provider that minimize environmental, traffic and noise impacts.

TR-75.18. Protect residential neighborhoods adjacent to light rail facilities from spillover impacts, including parking and cut through traffic, resulting from system construction and/or operation, with techniques such as residential parking zone programs, parking patrols, and traffic calming measures. Monitor the outcomes of these efforts and make adjustments as needed to ensure continued effectiveness.

TR-75.20. Maintain and enhance the safety of Bellevue's streets when incorporating light rail, through the use of street design features, materials, street signage and lane markings that provide clear, unambiguous direction to drivers, pedestrians, and bicyclists.

TR-75.22. Encourage quality design and construction in the light rail system, by:

1. Including durable materials in design and construction to ensure facilities retain appearance, functionality and community value; and
2. Incorporating art, public spaces, and other features as community assets.

TR-75.23. Coordinate with the regional transit provider to employ crime prevention principles in the design of light rail stations, and use available technologies to deter crime. Examples include:

1. Visibility of station platform from adjacent streets and parking;
2. Open and well-lighted pedestrian connections to parking and adjacent community;
3. Video surveillance on station platforms and trains; and
4. Establishing and enforcing a fare paid zone for station platforms.

TR-75.27. Provide reliable access to the system for Bellevue residents in cooperation with local and regional transit providers, by ensuring that adequate existing and new park and ride lot capacity, neighborhood bus connections and local and regional express bus services are available.

TR-75.28. Facilitate intermodal transfers and increased access to transit stations through partnerships with public and private providers of transit and shuttle services. Encourage transit-to-transit, transit-to-pedestrian, transit-to-bicycle, and transit-to-pick-up/drop-off transfers, with an emphasis on safety for people transferring between the station platform and the various modes.

TR-75.31. Develop an interlocal agreement with the regional transit provider to develop, monitor, and adapt mitigation measures for the design and construction phases of projects, to ensure the continual effectiveness of the measures.

TR-75.32. Collaborate with the regional transit provider to create a Construction Management Plan for all new major transit investments. The Construction Management Plan should include a Construction Phasing Plan that minimizes the corridor length disrupted at one time and minimizes the time period of disruption.

TR-75.33. Place a priority on the use of noise avoidance or absorption techniques over noise deflection for residential uses when developing mitigation measures with the regional transit provider. Monitor the outcomes of these efforts and pursue adjustments with the regional transit provider to ensure continued effectiveness.

TR-75.34. Develop and implement an early and ongoing program with the regional transit provider to provide assistance to residents and businesses affected by construction.

TR-75.35. Minimize disruption and inconvenience of construction staging areas to adjacent land uses, in collaboration with the regional transit provider, through actions such as site selection, design and operational management plans. Construction staging areas should not be located in residential neighborhoods except where no practicable alternative exists.

B. The amendment bears a substantial relationship to the public health, safety or welfare; and

Current LUC provisions do not apply to the portions of the light rail system that will be located in city rights-of-way, leaving a gap for permitting standards applicable to major project components. A process gap exists under the current LUC as well, with different permit processes and levels of public review applicable to the proposed East Link alignment depending on its location within the City. The draft amendment serves the public welfare by providing a light rail permitting process that is comprehensive in its coverage and provides clarity, predictability, and protection to the public, and ensures proper design oversight and mitigation of project impacts.

C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

The LUC currently does not include processes or requirements specific to light rail facilities, a type of essential public facility (EPF) as defined by RCW 36.70A.200(1). The lack of specific regulations creates confusion and uncertainty for all parties interested in Sound Transit's East Link project, including Bellevue residents potentially impacted by the project, City staff seeking to implement Council policies for light rail, and Sound Transit staff and consultants engaged in final project design.

The draft amendment is in the best interest of Bellevue citizens and property owners, as it will create clear regulations and permitting paths for regional light rail systems and facilities in Bellevue, removing confusion and uncertainty that currently exists due to the Land Use Code's lack of such provisions. In addition, processing an amendment to the LUC to address light rail facilities implements the City's commitments contained in the Memorandum of Understanding (MOU) between the City of Bellevue and Sound Transit.

ATTACHMENTS

A-1. Draft Light Rail Overlay – Part 20.25M

New Part 20.25M – Light Rail Overlay District

20.25M.010 General

A. Applicability

This Part applies to all areas where the use, construction, or installation of a Regional Light Rail Transit Facility (RLRT Facility) or Regional Light Rail Transit System (RLRT System) is proposed, including areas disturbed temporarily during construction and identified for mitigation of permanent and temporary impacts related thereto. Refer to LUC 20.25M.020 for the definitions of RLRT Facility and RLRT System.

B. Purpose

The purpose of this Part is to:

1. Provide certainty and predictability for the City, the regional light rail transit authority, and the public with respect to Land Use Code requirements and processes;
2. Establish a comprehensive and consolidated permit process for RLRT Facilities;
3. Provide a mechanism for addressing any applicable Land Use Code requirements that are impractical or infeasible for an RLRT Facility;
4. Acknowledge the unique characteristics of a regional Essential Public Facility system that is linear in nature and passes through the City of Bellevue touching numerous land use districts and overlay areas;
5. Provide appropriate regulatory oversight for RLRT Facilities located in public rights-of-way, which would otherwise not be regulated by the Land Use Code;
6. Facilitate transparent and efficient decision making and interagency cooperation between the City of Bellevue and the regional light rail transit authority;
7. Ensure the RLRT Facilities incorporate design and mitigation measures appropriate to their impacts and represent a high-quality investment for taxpayers; and
8. Ensure that City review of an application for an RLRT Facility is informed and guided by the “Bellevue Light Rail Best Practices Final Report.”

Comment [CoB1]: Items 1-4 consistent with MOU 6.1(a), (b), (d), (e).

C. Who May Apply

A regional transit authority authorized under Chapter 81.112 RCW, as may be hereinafter amended, may apply for permits to develop an RLRT Facility, even if that authority is not the owner of the property on which the facility will be located at the time of application.

Comment [cvh2]: Oct 8 Council Discussion:
Staff to provide legal basis for allowing ST to apply for permits on property prior to condemnation.

D. Applicable Land Use Code Provisions.

1. Applicable Land Use District and Overlay Sections Incorporated by Reference.

Predictability and certainty with respect to substantive Land Use Code requirements ensures that a RLRT System or Facility design is sensitive to the context of the underlying land use districts and overlays within which it is located, and that temporary and permanent impacts are appropriately mitigated. The following Overlay sections of the Land Use Code are expressly incorporated into the provisions of this Chapter 20.25M and made applicable to a RLRT System or Facility:

Comment [cvh3]: Identifies the substantive provisions of the land use code that apply.

- a. Chapter 20.10 – Land Use Districts;
- b. Part 20.25A LUC – Downtown sections shall apply to any above-grade RLRT System or Facility as follows:
 - i. LUC 20.25A.020.A.2 (dimensional standards for building height only, including applicable foot notes);
 - ii. LUC 20.25A.020.B.4 – Height exceptions;
 - iii. LUC 20.25A.040.C – Fences;
 - iv. LUC 20.25A.060 – Walkways and sidewalks;
 - v. LUC 20.25A.100.E.6 – Downtown Core Design District Guidelines – View Preservation Corridors;
 - vi. LUC 20.25A.110.A – Site Design Criteria;
 - vii. LUC 20.25A.110.B – Downtown Patterns and Context;
 - viii. LUC 20.25A.115.A – Design Guidelines – Building/Sidewalk Relationships – General;
- c. Part 20.25B LUC – Transition Area Design District sections as follows:
 - i. LUC 20.25B.040.C – Landscaping, Open Space and Buffers;
 - ii. LUC 20.25B.040.D – Site Design Standards;
 - iii. LUC 20.25B.040.E – Mechanical Equipment;
 - iv. LUC 20.25B.050.B – Design Guidelines;
- d. Part 20.25D LUC – Bel-Red LUC sections as follows:
 - i. LUC 20.25D.010.B – Land Use Districts;
 - ii. LUC 20.25D.070 – Land Use Charts ;
 - iii. LUC 20.25D.110.B, C, D, E, F – Various landscape standards;
 - iv. LUC 20.25D.110.H – Fences;
 - v. LUC 20.25D.120.D – Parking Structure Performance Standards
 - vi. LUC 20.25D.130 – Bel-Red Development Standards;
 - vii. LUC 20.25D.150 – Design Guidelines;
- e. Part 20.25E LUC – Shoreline Overlay District; and
- f. Part 20.25H – Critical Areas Overlay District.

Comment [CoB4]: These provisions would generally only apply to the Downtown Station if it moved out of the tunnel for cost savings reasons

Comment [CoB5]: These provisions would be used to review the East Main Station and the TPSS at Main and 112th Ave NE as applicable to any development proposal submitted by Sound Transit

Comment [CoB6]: These provisions would apply to the stations and facilities located in the Bel-Red Corridor

ATTACHMENT A-1

PUBLIC HEARING DRAFT LIGHT RAIL OVERLAY – OCTOBER 22, 2012

2. Applicable Procedural and Administrative Sections Incorporated by Reference.

Predictability and certainty with respect to procedural Land Use Code requirements ensures effectiveness of permit review and that the level of public participation for individual RLRT Facility applications occurs consistently across all land use districts and overlay areas of the City. The following procedural and administrative sections of the Land Use Code are expressly incorporated into the provisions of this Chapter 20.25M and apply to an RLRT Facility:

a. Part 20.30H LUC – Variance to the Shoreline Master Program

b. Part 20.30R LUC – Shoreline Substantial Development Permit

c. Chapter 20.35 LUC – Review and Procedures

d. Chapter 20.40 LUC – Administration and Enforcement sections as follows:

- i. LUC 20.40.010 through 20.40.480; and
- ii. LUC 20.40.500 through 510.

e. Chapter 20.50 LUC - Definitions

Comment [cvh7]: Identifies the procedural provisions of the code that apply.

Comment [CoB8]: Section 20.40.490 identifies when an assurance device is required, and has not been included in the Draft Light Rail Overlay. Under the terms of RCW 35A.21.250, cities are prohibited from requiring agencies to post a bond or other security as a condition of permit issuance.

3. Overlay Standards and Guidelines. The General Development Requirements of Chapter 20.20 LUC are either currently inapplicable to a RLRT Facility because of its location in the right-of-way, or are inconsistent with its effective or intended function. Therefore, the specific standards and guidelines contained in section 20.25M.040 through 20.25M.050 of this part supplant and replace the provisions contained in Chapter 20.20 LUC. All words used in this Overlay shall carry their customary meanings, except where specifically defined in Chapter 20.50 LUC (Definitions) or this Part 20.30M LUC (Light Rail Overlay).

Comment [cvh9]: Applicable general development standards from Chapter 20.20 LUC for Light Rail uses are identified in the Overlay so the public, Sound Transit and City staff have a clear understanding of the code requirements that must be met as design progresses to construction level of detail.

4. Light Rail Overlay District Applies. This Light Rail Overlay District specifically identifies and regulates RLRT Systems and Facilities. The specific regulations included by reference and contained in this Overlay supplant and replace the general EPF provisions contained in LUC 20.20.350.

Comment [CoB10]: Clarity Edit – to describe the relationship to existing EPF provisions. When there are specific EPF regulations, the specific regulations apply. If there are no regulations specific to an EPF use, then the general provisions of LUC 20.20.350 apply. Since the RLRT Overlay will create specific regulations, this clarify edit specifies that the general EPF provisions do not apply.

20.25M.020 Definitions Applicable to the Light Rail Overlay District

The following definitions are specific to the Light Rail Overlay District and shall have the following meanings:

- A. “Regional Light Rail Transit Facility” is a type of Essential Public Facility, and means a structure, rail track, equipment, or other improvement of a Regional Light Rail Transit System, including but not limited to ventilation structures, traction power substations,

Comment [cvh11]: Oct 8 Council Discussion: Heavy maintenance base was not contemplated in the MOU project description. Now that the heavy maintenance base is under ST consideration/review, specific Council direction will be needed on whether the Overlay should be drafted to include or exclude this component.

Comment [cvh12]: Oct 8 Council Discussion: This definition may be overly broad.

utilities serving the Regional Light Rail Transit System, Light Rail Transit stations and related passenger amenities, bus layover and inter-modal passenger transfer facilities, park and rides, storage track and support facilities, and transit station access facilities.

- B. "Design and Mitigation Permit" is the single, consolidated project permit issued by the City in response to an application to develop a RLRT Facility or portion thereof; provided, that a Design and Mitigation Permit does not include a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance approval if required as provided by Part 20.25E, 20.30C, and 20.30H LUC.
- C. "Regional Light Rail Transit System" is a type of Essential Public Facility, and means a public rail transit line that operates at grade level or above or below grade level, and that provides high-capacity, regional transit service owned or operated by a regional transit authority authorized under Chapter 81.112 RCW. A Regional Light Rail Transit System may be designed to share a street right-of-way although it may also use a separate right-of-way.

20.25M.030 Required Permits

A. Process Roadmap

1. Use Approval – Two Process Options

- a. Use Permitted by Land Use Code. A Regional Light Rail Transit System and its Facilities are permitted uses in all land use districts, provided that the general location of the RLRT System has been approved by a Bellevue City Council-adopted resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with paragraph 20.30M.030.B.1 below. Refer to Chart 20.10.440 (Transportation and Utilities Uses in Land Use Districts), Chart 20.25D.070 (Transportation and Utilities Uses in Bel-Red Land Use Districts), and LUC 20.25H.055.B Note 12.
- b. Use Approval Permitted through Conditional Use. Where the City Council has not legislatively adopted a resolution, ordinance, or development agreement permitting the RLRT System and Facility use, Council Conditional Use Permit approval is required pursuant to the provisions of LUC 20.25M.030.B.2 below.

- 2. Subsequent Review. Additional design and mitigation review and shoreline permitting shall be required pursuant to LUC 20.25M.030.C and 20.25M.030.D below.

Comment [CoB13]: Council Sept 17 Direction to develop Two Process Path. Two types of Use approval available to the Council, subsequent Design and Mitigation review required.

Comment [cvh14]: Oct 8 Council Discussion: Approval based on general location may be overly broad.

B. RLRT System and Facilities Use – Decision of the City Council

1. Development Agreement – RCW Legislative Process

- a. Scope of Approval. A RLRT System or Facility use is permitted outright when its general location has been included in a City Council resolution, ordinance, or development agreement authorized pursuant to Chapter 36.70B RCW. If a development agreement is adopted, the City Council may also allow necessary modifications to this Overlay District and to other applicable provisions the Bellevue City Code, and set forth other terms consistent with Chapter 36.70B RCW in order to approve the siting, construction, and operation of a RLRT System or Facility.
- b. Applicable Process. A development agreement adopted by the City Council shall be processed under the authority of and pursuant to the procedures set forth in Chapter 36.70B RCW. Any development agreement adopted by the City Council shall set forth “development standards” as that term is used in Chapter 36.70B.170(3) RCW that govern and vest the development for a specified time duration to this Overlay District and other applicable City regulations, provided that a development agreement may not extend the vesting period for longer than 15 years from the effective date.

Comment [CoB15]: Development Agreement process set forth under the Local Project Review Act of state law.

Comment [cvh16]: Taken from Exhibit G of the MOU

2. Conditional Use Permit

- a. When Required. Development of a RLRT System or Facility requires approval through a Conditional Use Permit (CUP) process when a general location has not been approved in a Council-adopted resolution, ordinance, or development agreement. Refer to Part 20.30B LUC for Conditional Use permit requirements.
- b. Scope of Approval. **Council Input Needed**

Current Process: In the absence of a LUCA amendment, approval of the CUP would require findings that the proposal is consistent with both the USE requirements, and any applicable DESIGN and MITIGATION requirements.

LUCA Process Option: Council could chose to allow the general location of the USE to be processed separately from the DESIGN and MITIGATION review, as is allowed with Master Development Plans and subsequent design review approvals.

- c. Decision Criteria. The City Council may approve or approve with modifications an application for a Conditional Use Permit if:

Comment [CoB17]: Need to add modification/ amendment provisions consistent with Council input regarding process (Type I or III). Refer to Applicable Process options in 20.25M.030.B.2.d below.

Comment [CoB18]: Council Input Needed on procedural consolidation/merger question

Comment [cvh19]: Decision criteria are taken from the Conditional Use Permit decision criteria contained in LUC 20.30B.140.

Comment [CoB20]: Council input needed on final decision maker. Refer to Applicable Process options in 20.25M.030.B.2.d below.

Comment [cvh21]: Oct 8 Council Discussion: More detailed format may be necessary in decision criteria. For example, there are no references to Light Rail Best Practices.

- i. The conditional use is consistent with the Comprehensive Plan; and
- ii. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
- iii. The conditional use will be served by adequate public facilities including streets, fire protection, and utilities; and
- iv. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
- v. The conditional use complies with the applicable requirements of the Land Use Code.

Comment [cvh22]: Oct 8 Council Discussion:
Better understanding of this decision criteria is necessary to ensure that implementation during permit review looks at properties impacted by light rail and not just those immediately adjacent to it.

d. Applicable Process. **Council Input Needed**

Current Process: In absence of LUCA amendment, general Essential Public Facility provisions of LUC 20.20.350 would apply and a Process I Conditional Use Permit would be required. Currently applicable Process I CUP includes a Director recommendation, a Hearing Examiner pre-decision hearing, and final decision by the Hearing Examiner. An appeal of the Hearing Examiner decision would go to the City Council.

LUCA Process Option: Council could choose to require Conditional Use Permit review under Process III, which would include a recommendation by the Hearing Examiner and final Decision by the City Council (without requirement for an appeal). This process is the one currently used for rezones and for CUPs located within the jurisdiction of the East Bellevue Community Council.

Comment [cvh23]: Oct 8 Council Discussion:
Council has directed staff to pursue a code simplification amendment, when staff capacity becomes available, that would remove Council from the Quasi-Judicial permit process. Additional consideration of this direction may be needed before Council input is provided.

C. Design and Mitigation Review – Decision of the Director

1. When Required. Prior to issuance of any construction permits, Design and Mitigation Review shall be required for any RLRT System or Facility. The Design and Mitigation Review may be merged with or undertaken following use approval of a RLRT System and RLRT Facilities pursuant to 20.25M.030.B.
2. Scope of Design and Mitigation Approval. **Council Input Needed.**

Current Process: In the absence of a LUCA amendment, approval of the CUP would require findings that the proposal is consistent with both the USE requirements, and any applicable DESIGN and MITIGATION requirements.

Comment [CoB24]: Section needs to be made consistent with Council Input received on procedural consolidation/merger question in LUC 20.25M.030.B.2.b above.

ATTACHMENT A-1
PUBLIC HEARING DRAFT LIGHT RAIL OVERLAY – OCTOBER 22, 2012

LUCA Process Option: Council could chose to allow the general location of the USE to be processed separately from the DESIGN and MITIGATION review, as is allowed for Master Development Plans and the subsequent design review.

3. Decision Criteria. A proposal for a RLRT System or Facility may be approved or approved with conditions provided that such proposal satisfies the following criteria:
- a. The proposal is consistent with the Comprehensive Plan; and
 - b. The proposal complies with the applicable requirements of this Light Rail Overlay District; and
 - c. The proposal addresses all applicable design guidelines of this Light Rail Overlay District in a manner which fulfills their purpose and intent; and
 - d. The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
 - e. The proposal will be served by adequate public facilities including streets, fire protection, and utilities; and
 - f. The proposal is consistent with any Development agreement or Council conditional use permit approved pursuant to LUC 20.25M.030.B.
 - g. When the proposed RLRT Facility will occur in whole or in part in a critical area regulated by Part 20.25H LUC, such facility shall also satisfy the following criteria:
 - i. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer; and
 - ii. The proposal incorporates the performance standards of Part 20.25H LUC to the maximum extent applicable; and
 - iii. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC 20.25H.210; except that a proposal to modify or remove vegetation pursuant to an approved Vegetation Management Plan under LUC 20.25H.055.C.3.i shall not require a mitigation or restoration plan.
4. Applicable Process. The Design and Mitigation Permit shall be reviewed through Process II (LUC 20.35.200-250).

Comment [CoB25]: Need to add modification/ amendment provisions consistent with Council input regarding process (Type I or II). Refer to Applicable Process options in 20.25M.030.B.2.d above.

Comment [cvh26]: Based on the decision criteria required for Design Review approval (refer to LUC 20.30F.145).

Comment [cvh27]: Oct 8 Council Discussion: More detailed format may be necessary in area of decision criteria. For example, there are no references to Noise Control Code.

Comment [cvh28]: Based on the Decision Criteria used for a Critical Areas Land Use Permit approval (refer to LUC 20.30P.140).

D. Shoreline Substantial Development Permit and Variance

1. Any RLRT Facility proposed or located in the Shoreline Overlay District (Part 20.25E LUC) shall comply with the Shoreline Substantial Development Permit (SSDP) requirements of LUC 20.25E.040. Application for a SSDP shall be processed independently of any application for Design and Mitigation approval under this chapter. Application for a SSDP shall be subject to the decision criteria of LUC 20.30R.155.
2. For properties lying within the Shoreline Overlay District, the City may approve a request to exceed the allowable height limit established by LUC 20.25E.080.B.5 through the Variance to the Shoreline Master Program process allowed pursuant to Part 20.30H LUC. Application for a shoreline variance shall be subject to the decision criteria of LUC 20.30H.155.

Comment [cvh29]: Oct 8 Council Discussion: Shoreline approval in Draft Code relies on Shoreline Substantial Development Permit. Consideration should be given to the pros and cons of selecting the Substantial Development Permit process versus the Shoreline CUP process.

20.25M.040 RLRT System and Facilities Development Standards

Comment [CoB30]: Gap Fillers – includes issues not clearly addressed by the code

A. Dimensional Requirements

1. Height Limitations. Council Input Needed

Current Substantive Standard. *In the absence of a LUC Amendment:*

- *Maximum Height Limits of LUC 20.20.010 would apply base on underlying land use district*
- *Code Conflict identified for South Bellevue Park and Ride Structure (described in the MOU as 1400 stalls on up to 5 floors) and Hospital Station (elevation needed to meet alignment height after crossing I-405), which would both exceed height limits for underlying land use districts.*
- *General EPF Standards allow for height increases at permitting stage if applicant demonstrates that:*
 - *The requested increase is the minimum necessary for the effective functioning of the EPF; and*
 - *Visual and aesthetic impacts associated with the EPF have been mitigated to the greatest extent feasible.*
- *Timing uncertainty created. Significant uncertainty and cost would be incurred to design and engineer the South Bellevue Park and Ride and Hospital Station without having a final determination as to whether the height increase will be granted until late in the plan development timeframe.*

Comment [cvh31]: Applicable general development standards for Light Rail uses are identified in this section of the Overlay so the public, Sound Transit and City staff have a clear understanding of the code requirements that must be met as design progresses to construction level of detail.

LUCA Conflict Resolution Option. *Cost savings and certainty would be provided by accommodating the required facility heights for the South Bellevue Park and Ride and Hospital Station as part of this Land Use Code Amendment.*

2. Setbacks. **Council Input Needed**

Current Substantive Standard. *In the absence of a LUC Amendment:*

- *Minimum Setbacks on LUC 20.20.010 would apply based on LU District, but application of setbacks to elements of the facility either leads to ambiguity, or to potentially significant requirements for additional property acquisition, especially where elements are proposed for areas outside of existing public right of way.*
- *Cost Savings Conflict identified for Traction Power Substation Elements of the RLRT Facility, which would require land acquisition in excess of that necessary to provide required landscape screening of these unmanned facilities.*

LUCA Conflict Resolution Option. *Minimum setbacks could be established for certain specified components of the System (e.g., Traction Power Substations), with setbacks set to the appropriate dimension to accommodate required landscape screening.*

B. Landscape Development

1. Traction Power Substations (TPSS) shall be screened with 10 feet of Type III landscaping pursuant to the requirements of LUC 20.20.520.G.3.
2. Park and Ride (public parking lot serving a primary use) and Storage Track and Support Facilities.
 - a. Except as set forth in subsection b, these facilities shall be landscaped pursuant to the requirements of LUC 20.20.520.F.2 and F.3. Provisions contained in LUC 20.20.520.F.5 through 8, 20.20.520.G, and 20.20.520.I through K shall also apply.
 - b. When located within an Overlay District identified in LUC 20.25M.010.D, these facilities shall comply with the design and landscape requirements incorporated by reference in LUC 20.25M.010.D.
3. Alternative landscaping may be approved by the Director for TPSS, park and ride, and storage track and support facilities if the requirements of LUC 20.20.520.J are met. The landscape development requirement for TPSS facilities may be reduced or eliminated by the Director when topography and/or existing vegetation provide adequate site screening to meet the intent of these standards.

Comment [CoB32]: Landscape screening requirements do not apply to linear track portions of Light Rail. The intent of this section is to treat linear portions like city streets, with specific frontage planting requirements contained in the Land Use Code and Transportation Design Manual

C. Fencing

Fencing shall be required to meet the applicable requirements of LUC 20.20.400 when Overlay standards and/or design guidelines have not been incorporated by reference in LUC 20.25M.010.D.

Comment [CoB33]: Based on LUC 20.20.400

D. Light and Glare

1. To protect adjoining uses and vehicular traffic in the right-of-way, the following provisions shall apply to the generation of light and glare from RLRT Facilities:

Comment [CoB34]: Based on LUC 20.20.522

- a. All exterior lighting fixtures in parking areas and driveways shall utilize cutoff shields or other appropriate measures to conceal the light source from adjoining uses and rights-of-way. Other lights shall be designed to avoid spillover glare beyond the site boundaries.
- b. Interior lighting in parking garages shall utilize appropriate shielding to prevent spillover upon adjacent uses and the right-of-way.

E. Mechanical Equipment

Comment [CoB35]: Based on LUC 20.20.525

Mechanical equipment shall be required to meet the applicable requirements of LUC 20.20.525 when Overlay standards and/or design guidelines have not been incorporated by reference in LUC 20.25M.010.D.

F. Parking and Circulation

Comment [CoB36]: Clarity Edit consistent with implementation of parking provisions contained in LUC 20.20.590 and applicable overlays.

1. Minimum/Maximum Parking Requirements. RLRT Facilities do not generate parking demand that requires the provision of accessory parking. The provisions of 20.20.590 shall not apply.
2. Employee Vehicle Parking. Parking spaces shall be provided as necessary to accommodate vehicles of security and operational personnel who service a RLRT Facility.
3. Parking and Circulation Improvements and Design. RLRT facilities that provide parking for the public shall meet the requirements of LUC 20.20.590.K.

G. Recycling and Solid Waste Collection

1. Solid waste and recyclable material collection areas shall be provided for workers maintaining and operating an RLRT Facility consistent with the terms of LUC 20.20.725
2. Solid waste and recyclable material collection receptacles shall also be provided for the public who access the station and park and ride facilities of a RLRT System.

Comment [CoB37]: Based on LUC 20.20.725

Comment [CoB38]: Gap filler – Issue not currently address by the code

Comment [cvh39]: Oct 8 Council Discussion: Organic recycling may be a desirable option to add to pedestrian facilities.

Comment [CoB40]: Operationalizes objective articulated in Exhibit G of the MOU

Comment [cvh41]: Oct 8 Council Discussion: Council alignment decisions were given deference by removing requirement to demonstrate no technically feasible alternative when Council had approved an alignment by resolution or ordinance.

H. Critical Areas

A regional transit authority is not required to demonstrate that no technically feasible alignment or location alternative with less impact exists for any RLRT Facility, provided that the location of the RLRT System and its Facilities has been generally approved by the Bellevue City Council pursuant to an adopted resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1

20.25M.050 Design Guidelines

1. **Additional Design Guidelines for Light Rail Stations.** In all land use districts, the following design guidelines shall apply to light rail stations:

Comment [cvh42]: Oct 8 Council Discussion: Design "guidelines" are a flexible tool for achieving a range of varied and imaginative design solutions. More specificity may be desired in the Light Rail Overlay through use of more directive regulations that mandate a specific outcome by using the word "shall" rather than "should."

- a. The station should use context sensitive design to integrate the station into the community. This includes, but is not limited to the following:
- i. The design should incorporate superior urban design, complementary materials, and public art;
 - ii. The design should provide substantial landscaping at stations, where appropriate, including retained significant trees and transplanted trees that are, at a minimum, saplings.
 - iii. Context sensitive design considerations shall include building materials and texture, building scale relative to nearby structures, and relationship to streets and adjacent uses.

Comment [cvh43]: Gap Fillers –includes issues not currently addressed by the code.

Comment [mb44]: Based on CP Policy TR-75.12

- b. The station design should provide, create, or promote:
- i. Access and linkages to the surrounding community;
 - ii. Weather protection, including rain, wind, and sun protection, with overhead weather protection covering not less than 30% of the platform area;
 - iii. A place that works for both large and small numbers of people; and
 - iv. Design that encourages social interaction among people.

Comment [mb45]: Based on CP Policy TR-75.15

- c. The station design should use available technology to deter crime. Examples include:
- i. Visibility of station platform from adjacent streets and parking;
 - ii. Open and well-lighted pedestrian connections to parking and adjacent community;
 - iii. Video surveillance on station platforms and trains; and
 - iv. Establishing and enforcing a fare-paid zone for station platforms.

Comment [mb46]: Based on CP Policy TR-75.23

- d. Station design should facilitate transfers between different modes of transportation with an emphasis on safety for people transferring between the station platform and the various modes. This should include, where appropriate, well-lighted and secure storage sufficient to accommodate a range of modes (e.g., bicycles and other small motorized and non-motorized vehicles).

Comment [mb47]: Based on CP Policy TR-75.28

2. **Additional Design Guidelines for Other RLRT Facilities.** In all land use districts, the following design guidelines shall apply to traction power substations, signal bungalows, ventilation structures, signs, retaining walls, and acoustical barriers.

ATTACHMENT A-1

PUBLIC HEARING DRAFT LIGHT RAIL OVERLAY – OCTOBER 22, 2012

- a. The facilities identified in this section, when located above grade, shall use context sensitive design to integrate the facility into the community. This includes, but is not limited to, the following:
 - i. Incorporating superior urban design, complementary materials, and public art;
 - ii. Providing substantial landscaping along the alignment, where appropriate, including retained significant trees and transplanted trees; and
 - iii. Incorporating durable materials in design and construction to ensure that the facility retains its appearance, functionality, and community value.
- b. Traction power substations shall be sited, screened, and/or incorporate architectural materials and treatments to minimize visual and operational impacts to surrounding uses.
- c. Ventilation structures shall incorporate context sensitive design that shall incorporate appropriate building materials and texture, building scale relative to nearby structures, and relationship to streets and adjacent uses.
- d. Signs shall comply with the Bellevue Sign Code (Chapter 22B.10 BCC); provided, that departures from the specific requirements of Chapter 22B.10 BCC may be allowed if approved by the Director as part of a master signage plan for an RLRT System.
- e. Retaining walls and acoustical barriers shall, as appropriate, be screened by landscaping, textured, or incorporate artwork where appropriate.
- f. Signal bungalows shall provide innovative façade treatments, e.g. artistic anti-graffiti laminate wraps, as approved by the director.

Comment [mb48]: Based on CP Policy TR-75.22

20.25M.060. Administrative Modification Process

Comment [CoB49]: Operationalizes objective articulated in Paragraph 6.1 of the MOU

Due to the unique nature of a Regional Light Rail Transit System and its Facilities, strict application of LUC provisions will not always be practical or feasible. This is particularly true due to the Growth Management Act requirements relative to essential public facilities and the acquisition policies and requirements utilized by a regional transit authority, which favor the acquisition of the minimum amount of property necessary for the development of its facilities. Therefore, in applying the provisions of this Chapter or any other applicable development standard in the Land Use Code (Title 20) to a RLRT Facility or System, the City, including the Director, shall be authorized to modify or waive the application of such provisions, provided that:

ATTACHMENT A-1

PUBLIC HEARING DRAFT LIGHT RAIL OVERLAY – OCTOBER 22, 2012

- A. The modification or waiver is the minimum reasonably necessary in accordance with “Bellevue Light Rail Best Practices Report” to make construction or operation of the RLRT Facility or RLRT System practicable and feasible; or
- B. The modification or waiver is reasonably necessary to implement or ensure consistency with other related actions approved by the City Council with respect to the RLRT Facility or RLRT System including Development Agreement modifications, cost saving alternatives, or Street Design Standards amendments.

Conformance Amendments to Land Use Code needed outside the Overlay

Chart 20.10.440 Uses in land use districts

20.10.440 – Transportation and Utilities Use Chart

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Transportation and Utilities – Residential Districts										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
4	Transportation, Communications and Utilities											
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C	C	C	C	C	C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters											
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)											
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11
	Accessory Parking (6) (24)	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3
46	Auto Parking: Commercial Lots and Garages (24)											
	Park and Ride (5) (24)	C	C	C	C	C	C	C	C	C	C	C

ATTACHMENT A-1

PUBLIC HEARING DRAFT LIGHT RAIL OVERLAY – OCTOBER 22, 2012

475	Radio and Television Broadcasting Studios											
485	Solid Waste Disposal (19)											
	Highway and Street Right-of-Way (24)	P	P	P	P	P	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility (7)											
	Off-Site Hazardous Waste Treatment and Storage Facility (8)											
	Essential Public Facility (20)	C	C	C	C	C	C	C	C	C	C	C
	<u>Regional Light Rail Transit Systems and Facilities (25)</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>
	Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Transportation and Utilities – Residential Districts										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
	Satellite Dishes (18)	P	P	P	P	P	P	P	P	P	P	P
	Electrical Utility Facility (22)	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22

Chart 20.10.440

Uses in land use districts

		Transportation and Utilities – Nonresidential Districts									
STD LAND USE CODE	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
REF		PO	O	OLB	LI	GC	NB	CB	F1	F2	F3
4	Transportation, Communications and Utilities										
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C	C	C	C	C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters				P	P		P	P		
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)				P	C					
43	Aircraft Transportation: Airports, Fields,	C 11	C 12	C 12	C 12	C 12	C 11	C 12	C 12	C 12	C 12

ATTACHMENT A-1

PUBLIC HEARING DRAFT LIGHT RAIL OVERLAY – OCTOBER 22, 2012

	Terminals, Heliports, Storage and Maintenance										
	Accessory Parking (6)(24)	P	P	P	P	P	P	P	P	P	P
46	Auto Parking: Commercial Lots and Garages (24)			C	C	C		C	C	C	C
	Park and Ride (5) (24)	C	C	C	C	C	C	C	C	C	C
475	Radio and Television Broadcasting Studios	P	P	P	P 10	P 10		P	P	P	P
485	Solid Waste Disposal (19)				C						
	Highway and Street Right-of- Way (24)	P	P	P	P	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility (7)			A	A	A	A	A	A	A	A
	Off-Site Hazardous Waste Treatment and Storage Facility (8)				C						

ATTACHMENT A-1
PUBLIC HEARING DRAFT LIGHT RAIL OVERLAY – OCTOBER 22, 2012

Essential Public Facility (20)	C	C	C	C	C	C	C	C	C	C	C
Regional Light Rail Transit Systems and Facilities (25)	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C/P
Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21
Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16

Transportation and Utilities – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3	STD LAND USE CODE REF
		PO	O	OLB	LI	GC	NB	CB	F1	F2	F3	
	Satellite Dishes (18)	P	P	P	P	P	P	P	P	P	P	
	Electrical Utility Facility (22)	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	

Chart 20.10.440

Uses in land use districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Transportation and Utilities – Downtown Districts					
		Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
4	Transportation, Communications and Utilities						
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops						
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters	A	A	A			A
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)	S	S	S			S
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	A 11	A 11	A 12			A 11
	Accessory Parking (6) (24)	P 4	P 4	P 4	P 4	P 4	P 4
46	Auto Parking: Commercial Lots and Garages (24)	P 13	P 13	P 13	A	P 13	P 13
	Park and Ride (5) (24)			A			A
475	Radio and Television Broadcasting Studios	P	P	P		P	P
485	Solid Waste Disposal (19)						
	Highway and Street Right-of-Way (24)	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C

ATTACHMENT A-1

PUBLIC HEARING DRAFT LIGHT RAIL OVERLAY – OCTOBER 22, 2012

Local Utility System	P	P	P	P	P	P
Regional Utility System	C	C	C	C	C	C
On-Site Hazardous Waste Treatment and Storage Facility (7)	A	A	A	A	A	A
Off-Site Hazardous Waste Treatment and Storage Facility (8)						
Essential Public Facility (20)	C	C	C	C	C	C
<u>Regional Light Rail Transit Systems and Facilities (25)</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>
Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21
Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16

Transportation and Utilities – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
	Satellite Dishes (18)	P	P	P	P	P	P
	Electrical Utility Facility (22)	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22

Add Footnote (25) to “Essential Public Facility” land use classification

(25) Refer to LUC Part 20.25M, Light Rail Overlay District, for specific requirements applicable to EPF defined as a Regional Light Rail Transit Facility or Regional Light Rail Transit System pursuant to 20.25M.020. A conditional use permit is not required when the City Council has

approved a Regional Light Rail Transit Facility or Regional Light Rail Transit System by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.30M.030.B.1.

20.20.010 – Notes: Uses in land use district - Dimensional Requirements

Note 17 [Placeholder – Code Language To Be Drafted]

Amend note 17 to require minimum setback from property owned by a regional transit authority for the purpose of operating an RLRT Facility.

Comment [cvh50]: Oct 8 Council Discussion:
Further evaluation regarding effect of nonconforming status and/or acquisition costs may be necessary.

Part 20.25A Downtown

Right-of-Way Special Dedications. [Placeholder – Code Language To Be Drafted]

Amend LUC 20.25A.020.D to allow property owners to make special dedications to Sound Transit and retain FAR as is currently allowed for uncompensated dedications for right of way.

Part 20.25D – Bel-Red

Chart 20.25D.070

Transportation and Utilities Uses in Bel-Red Land Use Districts.¹

		Transportation and Utilities – Bel-Red Districts						
STD LAND USE CODE	LAND USE REF CLASSIFICATION	Bel-Red Medical Office/Node	Bel-Red Office Residential/Nodes	Bel-Red Residential Commercial Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR-MO/ MO-1	BR-OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR-R	BR-GC	BR-CR	BR-ORT
4	Transportation, Communications and Utilities							

ATTACHMENT A-1

PUBLIC HEARING DRAFT LIGHT RAIL OVERLAY – OCTOBER 22, 2012

41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C/C	C/C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters					C		
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (15)	C/	C/			C		
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C 1	C 1					
	Accessory Parking (2,3,16)	P/P	P/P	P	P 4	P	P	P
46	Auto Parking Commercial Lots and Garages (5, 16)	/P	/P	P				
	Park and Ride (6, 16)		C/C	C				
475	Radio and Television Broadcasting Studios							
485	Solid Waste Disposal (7)							

ATTACHMENT A-1

PUBLIC HEARING DRAFT LIGHT RAIL OVERLAY – OCTOBER 22, 2012

Highway and Street Right-of-Way (8, 16)	P	P/P	P	P	P	P	P
Utility Facility	C	C/C	C	C	C	C	C
Local Utility System	P	P/P	P	P	P	P	P
Regional Utility System	C	C/C	C	C	C	C	C
On- and Off-Site Hazardous Waste Treatment and Storage Facilities							
Essential Public Facility (9)	C	C/C	C	C	C	C	C
<u>Regional Light Rail Transit Systems and Facilities (17)</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>
Wireless Communication Facility (WCF): (without WCF Support Structures)	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12
Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11
Satellite Dishes (13)	P	P/P	P	P	P	P	P
Electrical Utility Facility (14)	A C/A C	A C/A C	A C	A C	A C	A C	A C

....

Add Footnote (17) to “Essential Public Facility” land use classification

(17) Refer to LUC Part 20.25M, Light Rail Overlay District, for specific requirements applicable to EPF defined as a Regional Light Rail Transit Facility or Regional Light Rail Transit System pursuant to 20.25M.020. A conditional use permit is not required when the City Council has approved a Regional Light Rail Transit Facility or Regional Light Rail Transit System by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.30M.030.B.1.

Part 20.25D – Bel-Red

Right-of-Way Special Dedications. [[Placeholder – Code Language To Be Drafted]]

Amend to LUC 20.25D.080.D.2 to allow property owners to make special dedications to Sound Transit and retain FAR as is currently allowed for uncompensated dedications for right of way.

Part 20.25H – Critical Areas Overlay District

20.25H.055.B Uses and Development Allowed within Critical Areas

The following chart lists uses and development that may be allowed in a critical area, critical area buffer, or critical area structure setback. The sections noted in the chart for each use or activity and critical area refer to the applicable performance standards that must be met.

		Type of Critical Area				
		Streams	Wetlands	Shorelines	Geologic Hazard Areas ⁷	Areas of Special Flood Hazard
Allowed Use or Development	Repair and maintenance of parks and parks facilities, including trails ^{1,2}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.P	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C 20.25H.180.D.2
	Repair and maintenance of utility facilities,	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.U	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C

ATTACHMENT A-1

PUBLIC HEARING DRAFT LIGHT RAIL OVERLAY – OCTOBER 22, 2012

utility systems, stormwater facilities and essential public facilities ^{1,2}					
Repair and maintenance of public rights-of-way, private roads, access easements, surface parking areas, and driveways ^{1,2}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.H 20.25E.080.R	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C
Repair and maintenance of bridges and culverts ^{1,2}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.R	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C
Construction staging ^{1,2,11}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.H	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C
Existing agricultural activities ²	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.080.A	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.100	20.25H.055.C.1 20.25H.055.C.3.a 20.25E.080.B 20.25E.080.C	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.125	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.180.C
Emergency actions	20.25H.055.C.3.b	20.25H.055.C.3.b	20.25H.055.C.3.b	20.25H.055.C.3.b	20.25H.055.C.3.b
New or expanded utility facilities, utility systems,	20.25H.055.C.2 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.100	20.25H.055.C.2 20.25E.080.B 20.25E.080.U	20.25H.055.C.2 20.25H.125	20.25H.055.C.2 20.25H.180.C

ATTACHMENT A-1

PUBLIC HEARING DRAFT LIGHT RAIL OVERLAY – OCTOBER 22, 2012

	stormwater facilities ³					
	New or expanded essential public facilities (12)	20.25H.055.C.2 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.100	20.25H.055.C.2 20.25E.080.B	20.25H.055.C.2 20.25H.125	20.25H.055.C.2 20.25H.180.C 20.25H.180.D.3
Allowed Use or Development	Public flood protection measures ⁴	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.c 20.25E.080.B	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.125	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.180.C 20.25H.180.D.5
	Instream structures ⁵	20.25H.055.C.2 20.25H.055.C.3.d 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.055.C.3.d 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.d 20.25E.080.B	20.25H.055.C.2 20.25H.055.C.3.d	20.25H.055.C.2 20.25H.055.C.3.d 20.25H.180.C
	New or expanded public rights-of-way, private roads, access easements and driveways	20.25H.055.C.2 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.100	20.25H.055.C.2 20.25E.080.B 20.25E.080.R	20.25H.055.C.2 20.25H.125	20.25H.055.C.2 20.25H.180.C 20.25H.180.D.4
	New or expanded bridges and culverts	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.080.A	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.e 20.25E.080.B 20.25E.080.R	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.125	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.180.C
	New or expanded private nonmotorized trails	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.080.A	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.f 20.25E.080.B 20.25E.080.G	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.125	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.180.C
	New or expanded City and public parks	20.25H.055.C.3.g 20.25H.080.A	20.25H.055.C.3.g 20.25H.100	20.25H.055.C.3.g 20.25E.080.B 20.25E.080.P	20.25H.055.C.3.g 20.25H.125	20.25H.055.C.3.g 20.25H.180.C 20.25H.180.D.2

ATTACHMENT A-1
PUBLIC HEARING DRAFT LIGHT RAIL OVERLAY – OCTOBER 22, 2012

Existing landscape maintenance ²	20.25H.055.C.3.h 20.25H.080.A	20.25H.055.C.3.h 20.25H.100	20.25H.055.C.3.h 20.25E.080.B 20.25E.080.G	20.25H.055.C.3.h 20.25H.125	20.25H.055.C.3.h 20.25H.180.C
Vegetation management ⁶	20.25H.055.C.3.i 20.25H.080.A	20.25H.055.C.3.i 20.25H.100	20.25H.055.C.3.i 20.25E.080.B 20.25E.080.G	20.25H.055.C.3.i 20.25H.125	20.25H.055.C.3.i 20.25H.180.C
Habitat improvement projects	20.25H.055.C.3.j 20.25H.080.A	20.25H.055.C.3.j 20.25H.100	20.25H.055.C.3.j 20.25E.080.B 20.25E.080.G	20.25H.055.C.3.j 20.25H.125	20.25H.055.C.3.j 20.25H.180.C
Forest practices	20.25H.055.C.3.k 20.25H.080.A	20.25H.055.C.3.k 20.25H.100	20.25H.055.C.3.k 20.25E.080.B	20.25H.055.C.3.k 20.25H.125	20.25H.055.C.3.k 20.25H.180.C
Aquaculture	20.25H.055.C.3.l 20.25H.080.A	20.25H.055.C.3.l 20.25H.100	20.25H.055.C.3.l 20.25E.080.B 20.25E.080.D	20.25H.055.C.3.l	20.25H.055.C.3.l 20.25H.180.C
Stabilization measures	20.25H.055.C.3.m 20.25H.080.A	20.25H.055.C.3.m 20.25H.100	20.25E.080.B 20.25E.080.E	20.25H.055.C.3.m 20.25H.125	20.25H.055.C.3.m 20.25H.180.C
Expansion of existing single-family primary structures	20.25H.055.C.3.n 20.25H.080.A	20.25H.055.C.3.n 20.25H.100	20.25H.055.C.3.n 20.25E.080.B 20.25E.080.Q	20.25H.055.C.3.n 20.25H.125	20.25H.055.C.3.n 20.25H.180.C ⁹ 20.25H.180.D.1 20.25H.180.D.7
Reasonable use exception ⁸	20.25H.080.A	20.25H.100	20.25E.080.B	20.25H.125	20.25H.180.C 20.25H.180.D.7
Recreational vehicle storage ¹⁰					20.25H.180.C 20.25H.180.D.6
Additional shoreline-specific uses or development					

Add Footnote (12) to “Essential Public Facility” land use classification

(12) Refer to LUC Part 20.25M, Light Rail Overlay District, for specific requirements applicable to EPF defined as a Regional Light Rail Transit Facility or Regional Light Rail Transit System pursuant to 20.25M.020. A conditional use permit is not required when the City Council has approved a Regional Light Rail Transit Facility or Regional Light Rail Transit System by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.30M.030.B.1.

Chapter 20.35 – Review and Appeal Procedures

20.35.015 – Framework for decisions [Placeholder – Code Language To Be Drafted]

Amend to add Design and Mitigation Permit under Process II.

20.35.020 – Pre-Application Conferences [Placeholder – Code Language To Be Drafted]

Amend to add Design and Mitigation Permit to list of applications that required a pre-application conference

20.35.030 – Applications [Placeholder – Code Language To Be Drafted]

Amend to add public agencies with condemnation authority to the list of parties who may apply for a permit.

Chapter 20.40 – Administration and Enforcement

20.40.500 Vesting [Placeholder – Code Language To Be Drafted]

Amend to acknowledge extended vesting allowed in Downtown, or pursuant to a Master Development Plan approval or Development Agreement.

20.50 - Definitions

20.50.036

Nonconforming. A use, structure, site, or lot which conformed to the applicable codes in effect on the date of creation but which no longer complies because of changes in Code requirements, ~~or annexation, or property acquisition for public rights-of-way or~~ Regional Light Rail Transit Facility or Regional Light Rail Transit System as defined in LUC 20.25M.020.

Nonconforming Site. A lot which does not conform to site development regulations, including but not limited to, the landscaping, parking, fence, driveway, street opening, pedestrian amenity, screening, and curb cut regulations of the district in which it is located due to changes

in Code requirements, condemnation, ~~or~~ annexation, or property acquisition for public rights-of-way or a Regional Light Rail Transit Facility or Regional Light Rail Transit System as defined in LUC 20.25M.020.

Nonconforming Structure. A structure which does not conform to the dimensional regulations, including but not limited to, setback, height, lot coverage, density, and building configuration regulations of the district in which it is located due to changes in Code requirements, ~~or~~ annexation, or property acquisition for public rights-of-way or a Regional Light Rail Transit Facility or Regional Light Rail Transit System as defined in LUC 20.25M.020. For structures not conforming to Building Code requirements, see ~~UBC Section 104~~ BCC 23.05.080 (Duties and Powers of the Building Official).

Comment [cvh51]: Cross reference update not specifically related to Light Rail.

Responses to Council Questions and Information Requests

Questions Raised and Information Requested during the October 8 Study Session

1. Why is the code amendment not considered to be a rezone?

The proposed amendment creates an overlay that establishes development standards and guidelines unique to light rail. These unique standards apply to a use (light rail) wherever it may be located in the City, rather than to a defined geographic area. For that reason, technically the amendment does not rezone any property. If no light rail facility is proposed or actually developed within an area currently anticipated for light rail, this overlay will not apply, and the uses and development allowed by the underlying land use district are not modified or impacted. In contrast, a rezone would change the uses and development that would be allowed.

2. Has Sound Transit obtained a Biological Opinion from the Federal National Oceanic and Atmospheric Administration (referred to as a NOAA BiOp) as a component of the environmental review process?

Because a federal agency (the Federal Transit Administration) is involved in the review and approval of Sound Transit's East Link project, a component of the required federal environmental review included the requirement that FTA "consult" with NOAA (National Marine Fisheries Services or NOAA Fisheries) about the potential for the project's impacts on endangered species. This process is sometimes referred to as Section 7 consultation.

According to Sound Transit, the requirement for Section 7 consultation was completed and is addressed in the Record of Decision for East Link. This consultation included preparation of a Biological Assessment by Sound Transit and FTA, which was reviewed by NOAA/NMFS. NOAA/NMFS issued a letter indicating that the agency supported the determination in the Biological Assessment that the project may affect certain threatened or endangered species, but was not likely to have an adverse effect. Because the NOAA/NMFS determination was that the project was not likely to have an adverse effect, a biological opinion was not required. Biological Opinions are required under the Section 7 consultation process only when the determination of the agencies is that an action or project is "likely to have an adverse effect."

3. How can the City adopt a Code Amendment without a finalized alignment?

Refer to "Questions Raised and Information Requested during the September 17 Study Session," response to Question 2 below.

4. Council needs a schedule to understand why code changes are necessary by the end of 2012 for permits that are not expected to be submitted until 2014.

Request made of Sound Transit to provide permitting schedule.

5. Council needs a budget that describes the savings that could be realized by adopting the draft code amendment.

Request made of Sound Transit to provide anticipated budget cost savings.

6. What is the proposed Mitigation?

The Draft Light Rail Overlay Amendment describes the mitigation requirements that would apply to a light rail proposal consistently across the length of the light rail alignment. The substantive mitigation specifically included in the draft Land Use Code amendment addresses issues regulated exclusively in the Land Use Code. This includes dimensional requirements (height and setbacks), landscape development, fencing, light and glare, mechanical equipment, parking and circulation, recycling and solid waste collection, critical areas and shorelines. Refer to draft code sections 20.25M.040 and 20.25M.030.D. The draft code also provides guidelines to address design related issues. Refer to draft code section 20.25M.050. These standards are then applied, through the permitting process, and imposed as conditions of approval on the project. Details of mitigation, like location and species of required landscaping, are developed by a project applicant (in this case Sound Transit) after review of code requirements. The code requirements establish the benchmark or standard for mitigation, which then drives final design.

Compliance with other City Codes is also required through process requirements contained in the draft code amendment. Refer to draft code section 20.25M.030.C.3. A matrix of all Bellevue City code provisions (including LUC and non-LUC sections) that offer project mitigation is included here for reference. Land Use Code provisions are incorporated by reference into the draft Light Rail Overlay. Refer to draft code section 20.25M.010.D. Codes identified as being outside of the Land Use Code would apply to the East Link project, but are not proposed for amendment as part of the 2012 Light Rail Overlay code adoption process. In order to provide a comprehensive catalog of city code sections that would apply during review of any Sound Transit project application, the matrix presented below is organized by “Elements of the Environment” that would be analyzed in an environmental checklist under the State Environmental Policy Act (SEPA).

Code Authority for Mitigation – Organized by SEPA Element of the Environment	How Addressed by Other Codes/Rules*
Earth and Environmentally Critical Areas Including: geologic hazard areas, plants and animals, habitat and diversity of species, unique species, fish and wildlife migration routes, flood hazard areas and fish and wildlife habitat conservation areas	<ul style="list-style-type: none"> • Critical Area Overlay District (Land Use Code Part 20.25H) addresses geologic hazards (landslide hazards and steep slopes) streams, wetlands, and plants and animals. Part 20.25H includes mitigation for intrusion into critical areas and their buffers including: landslide hazards, steep slopes, unstable soils, wetlands, streams, flood hazard areas and fish/wildlife habitat areas. • Additional environmental and water quality protection provided by Clearing and Grading & Storm and Surface Water Utility Code codes

Code Authority for Mitigation – Organized by SEPA Element of the Environment	How Addressed by Other Codes/Rules*
	(Bellevue City Code Chapters 23.76 and 24.06) and Shoreline regulations (Land Use Code Part 20.25E).
Air Quality Including: construction impacts and releases or potential releases to the environment affecting public health	<ul style="list-style-type: none"> • The Puget Sound Clean Air Agency (PSCAA) is responsible agency for control of emissions of air contaminants from all sources within the jurisdiction of the Agency and to carry out the requirements and purposes of the Washington Clean Air Act and the Federal Clean Air Act. PSCAA has SEPA lead agency status over air quality issues. • Clearing and Grading Code (Bellevue City Code Chapter 23.76) controls fugitive dust from construction
Water: surface/ground/water runoff	<ul style="list-style-type: none"> • State Department of Ecology establishes water quality standards for surface and ground water and issues National Pollution Discharge Elimination System (NPDES) permits and technical guidance to address impacts of stormwater runoff. • Storm and Surface Water Utility Code (Bellevue City Code Chapter 24.06) implements these requirements at local level
Plants	<ul style="list-style-type: none"> • Critical Area Overlay District (Land Use Code Part 20.25H) for critical habitat for species of local importance
Animals	<ul style="list-style-type: none"> • Critical Area Overlay District (Land Use Code Part 20.25H) provides fish and wildlife protection for upland and shoreline habitat
Energy and Natural Resources	<ul style="list-style-type: none"> • City has adopted Washington State Energy Code, as provided in RCW 19.27A.020 and has adopted by the State Building Code Council in Chapter 51-11 WAC.
Environmental Health: Noise	<ul style="list-style-type: none"> • Federal traffic noise regulations govern noise from federally supported highway and street construction • Maximum interior noise levels required for sleeping areas in new multifamily residential development in Bellevue City Code Chapter 9.18 • Noise impacts regulated by Bellevue City Code Chapter 9.18 including references to WAC 173-62. Regulations specify permissible noise levels as well as construction hours under which noise emanating from construction sites is exempt.

Code Authority for Mitigation – Organized by SEPA Element of the Environment	How Addressed by Other Codes/Rules*
Land and Shoreline Use	<ul style="list-style-type: none"> City's Comprehensive Plan provides broad policy direction and land use and development codes address development standards for construction of all types. See also Critical Area Overlay District (Land Use Code Part 20.25H) for performance standards for sites with critical areas including: geohazards, streams, wetlands, flood hazard areas, and wildlife and habitat conservation areas. Shoreline use is governed in part by Critical Areas Overlay District Land Use Code Part 20.25H) and Shoreline Overlay District (Land Use Code Part 20.25E). Mandated Shoreline Update in process
Housing	Not Applicable to Light Rail Project
Light and Glare	<ul style="list-style-type: none"> Performance standards in Land Use Code section 20.20.522 require shielding to prevent light and glare reaching offsite for all new commercial and multi-family construction and for any subsequent construction requiring discretionary permits.
Aesthetics including Visual Impact Analysis and view protection	<ul style="list-style-type: none"> Comprehensive Plan contains policies that encourage preservation and enhancement of views of water, mountains, skylines, or other unique landmarks from public places as valuable civic assets. Design review and mitigation permit required pursuant to Draft Light Rail Overlay section 20.25M.030.C include standards and guidelines to minimize incompatibility between adjacent land uses and mitigate for aesthetic impacts consistently across the light rail alignment irrespective of the land use district within which it is located.
Recreation	<ul style="list-style-type: none"> EIS and Record of Decision address potential impacts and mitigation for light rail impacts on city parks and trail facilities
Historic Preservation/Archaeological Sites	<ul style="list-style-type: none"> Federal and state regulations address protection of cultural/archaeological resources (including RCW Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW; and WAC Chapter 25.48) EIS and ROD address potential impacts and mitigation for East Link impacts to Winter's House

Code Authority for Mitigation – Organized by SEPA Element of the Environment	How Addressed by Other Codes/Rules*
Transportation including: parking, development Transportation: traffic impacts, street use, and long-term cumulative impacts	<ul style="list-style-type: none"> Proposed overlay district addresses parking requirements for light rail maintenance or operations staff. Outside of park & ride, light rail stations do not require parking. Use of City streets during construction or repair of facility addressed in Right-of-Way Use Code (Chapter 14.40) of the Transportation Code. Authority to maintain light rail in City rights-of-way granted and addressed in separate Right of Way Agreement with Sound Transit
Public Services and Utilities	<ul style="list-style-type: none"> Franchise agreements and right of way use codes address responsibility for relocating public and private utilities that conflict with light rail alignment; Utility development standards address requirements for construction of relocated public utilities

*All citations are from the Bellevue City Code or Bellevue Land Use Code unless otherwise indicated.

RCW = Revised Code of Washington. WAC= Washington Administrative Code.

7. What is the status of the 112th Street acquisitions?

Following the May 2012 Work Plan, staff is evaluating several potential City programs or interest areas relating to the properties along 112th Avenue SE. Staff intends to report back to Council in the November-December timeframe.

8. When will graphically designed depictions of alignment and system features be available?

For those portions of the alignment that are under review as part of the separate cost savings effort, the City plans to engage a consultant to prepare visual simulations for Council and public consideration by early Spring of 2013.

As part of the process of developing the overlay land use code amendment, we will provide photographs of system elements, and examples of how such elements can be addressed through design features, landscaping requirements and street frontage treatments, using photographs of Central Link or light rail facilities from other cities.

9. What is Bellevue's Role versus Sound Transit's Role in the East Link project? Errors and misperceptions created in the Bellevue Reporter article should be corrected.

Response pending. Staff is in the process of reviewing the referenced article available on the Bellevue Reporter website at: <http://www.bellevuereporter.com/news/172521021.html>

10. Council needs access to photos and videos of real-life elements of the project.

Photographs of project elements identified in the Draft Light Rail Overlay Code Amendment will be included with the Public Hearing materials presented on October 22, 2012. Council materials and additional pictures have also been posted to the East Link project website at:

<http://www.bellevuewa.gov/light-rail-overlay.htm>

11. Cross referenced code sections identified in the Draft Light Rail Code Amendment need to be made easily accessible for Council and the public reviewing the code amendment.

All code cross-references included in the Draft Light Rail Overlay Code Amendment will be provided in a binder to the City Council as support documentation for the Public Hearing scheduled on October 22, 2012. Copies of this binder will be available to the public for inspection in the City Records Room at City Hall. An electronic version of the binder has been posted to the East Link project website at:

<http://www.bellevuewa.gov/light-rail-overlay.htm>

12. Hyperlinks should be provided to cross-references included in the Draft Light Rail Code Amendment.

Hyperlinks are provided to all referenced code sections contained within the Land Use Code as part of the final codification process. This functionality was recently added, and is included as a component of the codification services provided by Code Publishing when a code amendment ordinance is adopted and incorporated into the City Code. For an example of this functionality and how cross-references are hyperlinked for reader accessibility, the current version of the Land Use Code can be reviewed on the City website at: <http://www.codepublishing.com/wa/bellevue/?LUC>

13. Why was a heavy maintenance facility not included in the Draft Light Rail Overlay Amendment?

The Draft Light Rail Overlay Code Amendment was developed to specifically address project elements identified in the Memorandum of Understanding (MOU) between the City of Bellevue and Sound Transit (November 2011). There was no heavy maintenance facility identified in the MOU, nor in the terms of the Collaborative Design Process. As a result, the draft code amendment did not address this project component. Conversation regarding the need for a Heavy Maintenance Facility by Sound Transit began simultaneously with the release of the first draft and could not be incorporated. The City Council could direct staff to include regulations that would address the unique characteristics of such a facility.

14. What is the legal authority that allows entities with condemnation authority to apply for permits before the entity has acquired property where permits are sought?

Response pending.

15. What type of outreach is expected for Station Area Planning to comply with citizen outreach expectations contained in the Light Rail Best Practices Final Report?

Station area planning is identified as a priority in the City's Comprehensive Plan and was a key action highlighted in the Bellevue Light Rail Best Practices report to occur once station locations were settled and ideally prior to completion of final design. The best practices work discussed a citizen advisory committee (CAC) as a method to include community input and help create a sense of ownership. As staff has outlined the similarities and differences in each of Bellevue's station areas, it appears that a CAC may be needed in some, but not necessarily all, of the station areas. For example, the Hospital Station may warrant a formal CAC because of the scope and magnitude of planning issues. Downtown station area planning will be included in the Downtown Livability project recently initiated (with the advisory body to be determined). Other station areas may have a more focused scope of review and may not warrant establishing a CAC.

In all cases, station area planning needs to include a robust public engagement component. As with all major planning projects, staff would check-in with Council with an outreach and engagement plan for each individual effort to seek concurrence on the proposed approach. Staff has not included specific code language in the draft Light Rail Overlay regarding the process for station area planning. It is recommended that the City remain flexible, so that station area planning efforts can be tailored to the context and unique characteristics of individual stations.

16. Will Design Review be required on Stations?

The Draft Light Rail Code Amendment includes a requirement for Design and Mitigation Review. Refer to draft code section 20.25M.050.1. The draft code amendment utilizes the same review procedures currently required for Design Review applications on projects undertaken in the Downtown and in most land use districts located in Bel-Red. The review procedure is identified as Process II which requires notice of the application, a decision of the Director of the Development Services Department, and an appeal opportunity to the Hearing Examiner. Decisions of the Hearing Examiner are appealable to Superior Court.

17. Will authority that exists today be taken away or reduced if the draft Light Rail Overlay is adopted?

The draft Light Rail Overlay would create permitting processes, development standards and design guidelines specific to light rail facilities. The LUC currently does not include processes or requirements specific to light rail facilities, a type of essential public facility (EPF) as defined by RCW 36.70A.200(1). The lack of specific regulations creates confusion and uncertainty for all parties interested in Sound Transit's East Link project, including Bellevue residents potentially impacted by the project, City staff seeking to implement Council policies for light rail, and Sound Transit staff and consultants engaged in final project design. In addition, LUC provisions do not apply to the portions of the light rail system that will be located in city rights-of-way, leaving a gap for permitting standards applicable to major project components. A process gap exists under the current LUC as well, with different permitting processes and levels of public review applicable to the proposed East Link alignment depending on its location within the City. The draft code would address current uncertainty and current substantive and process gaps that exist in the LUC related to the Light Rail use and its proposed location. The draft code

amendment is not intended to take away or reduce design review or mitigation authority that is currently provided by the code.

18. What is the history of the amendment adopted by the City to address Essential Public Facilities under the Growth Management Act.

Historical background from the 2003 Essential Public Facilities code amendment has been included in the Council reference binders for this code amendment, and has been posed to the East Link project website at: <http://www.bellevuewa.gov/light-rail-overlay.htm> .

19. Would Sound Transit have concerns about the code amendment schedule extending into 2013?

Questions will be posed to Sound Transit staff.

Questions Raised and Information Requested during the September 17 Study Session

1. How long did it take to complete the other overlays that exist in the Land Use Code?

The code amendments for the Critical Areas Overlay and the Shoreline Overlay both took more than two years. Those code drafting efforts were different from the current process for three primary reasons:

- Significant policy work for related Comprehensive Plan Amendments was undertaken simultaneously with the code drafting process;
- The efforts required the assistance of a Citizen Advisory Committee (or in the case of Shorelines, the Planning Commission acting in that capacity), to educate themselves regarding complicated scientific, legal and regulatory topics; and
- The final legislation had to conform to requirements mandated by a state agency with approval authority over the content.

The Bel-Red Code drafting process took approximately 18 months from Council transmittal of the Steering Committee findings to the Planning Commission until final code adoption. The Bel-Red code drafting effort was complicated, because it included an up-zone for hundreds of acres of light industrial property to office, residential and mixed uses, which necessitated environmental review in the form of an Environmental Impact Statement (EIS). The Bel-Red code was far reaching in its scope, and also received review by five city boards and commissions.

In contrast, the amendments contemplated within the MOU ensure that existing City regulations are made applicable to a light rail use and its associated design and construction, and that permit processes are consolidated and predictable. Significant policy work and input was solicited during the City's Best Practices effort and has been incorporated into the Comprehensive Plan and now the draft code package that is before the Council for consideration. In addition, this is not the type of an amendment that necessitates an EIS. The schedule contemplated in the MOU is aggressive; even the most expedited code process takes a minimum of 3-4 months under the best circumstances. However, a Draft Light Rail Overlay is now complete, noticing and outreach has been initiated to engage the community, and the

Draft Light Rail Overlay amendments are within Council purview. The necessary groundwork to support an expedited process has been put in place.

2. How can you complete a SEPA review or develop an overlay district for East Link without having adopted a rail alignment?

Adoption of a Light Rail Overlay will create a new development regulation in Bellevue that is a recognized planning tool under the Growth Management Act (GMA). Adoption of a development regulation under GMA is categorized as a non-project action under SEPA. Since regulatory reform procedures of the LUC were adopted in 1995, the City has undertaken Land Use Code amendments in a way that integrates SEPA review into the GMA code adoption process. No entitlement to establish or construct a light rail use will be granted as a result of any Council action taken to adopt code changes. The code amendment will simply create the regulatory framework and substantive requirements necessary for a Light Rail project to be approved – the permitting will come later.

Creation of the Light Rail Overlay is not dissimilar to creation of a Critical Areas Overlay. The location of all critical areas city-wide was not known at the time that overlay was created. The overlay included a process for identification and delineation of critical areas, and permit standards and guidelines that would apply when applications were submitted for a use or development that could impact a critical area. The Draft Light Rail Overlay includes a similar process for delineation of the light rail system and facilities, and provides standards and guidelines that would apply at a future permit stage.

3. What is the difference between the process requirements for a Development Agreement versus the process requirements for a Conditional Use Permit?

The process map provided during October 8 study session illustrates the differences between review and appeal procedures for development agreements and conditional use permits. It has been reprinted below for ease of reference.

Development Agreement Process Milestones

Milestone	Required Process
Public Notice of Application?	Yes; SEPA applies to development agreements, so a notice of SEPA review will alert public to development agreement and process
Public Hearing?	Yes, public hearing with City Council, by practice noticed both in Weekly Permit Bulletin and through normal Council noticing procedures
Decision Maker on Development Agreement?	City Council, through a legislative action
Administrative Appeal of Development Agreement?	No, no administrative appeal of Council action on development agreement
Judicial Appeal of Development Agreement?	Yes, appeal available to Superior Court

CUP Process Milestones

Milestone	CUP – Process I	CUP – Process III
Notice of Application	Yes, requires published & mailed notice	Yes, requires published & mailed notice
Public Meeting	Yes, required as early in review as possible	Yes, required as early in review as possible
Public Hearing	Required with Hearing Examiner	Required with Hearing Examiner
Decision Maker on Permit?	Hearing Examiner , after hearing	City Council , after hearing and recommendation from Hearing Examiner
Administrative Appeal of CUP?	Yes , to City Council after Hearing Examiner decision	No , no administrative appeal, Council decision is final action of City
Judicial Appeal of CUP?	Yes, appeal available to Superior Court	Yes, appeal available to Superior Court

The Seattle Times

City Of Bellevue City Clerk
Kelly Wilson
PO Box 90012

Bellevue, WA 98009

Re: Advertiser Account # 100791

Ad #: 244614

Affidavit of Publication

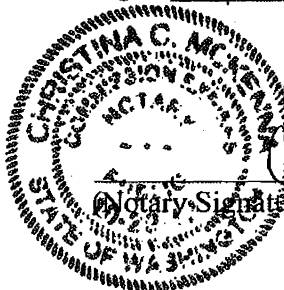
STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)	
Seattle Times	10/08/12

Agent MAUREEN E. OUGGAN Signature Maureen E. Ouggan



Subscribed and sworn to before me on Oct 9 2012
DATE

Christina C. McKenna
(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle
Christina C. McKenna

The Seattle Times

Re: Advertiser Account # 100791

Ad #: 244614

AD TEXT

City of Bellevue Notice of Public Hearing Proposed Light Rail Transit Overlay District

NOTICE IS HEREBY GIVEN that the Bellevue City Council will hold a public hearing during its Extended Study Session on Monday October 22, beginning at or after 7:00 pm in the City Council Chamber in Bellevue City Hall, 450 110th Ave NE, Bellevue, on amending the Land Use Code to establish a consolidated land use permitting process for Regional Light Rail Transit projects. It is proposed that a Light Rail Transit Overlay District be created to provide certainty and predictability with respect to permitting processes and requirements both for project applicants and for interested parties commenting on or otherwise participating in the permitting process. The proposal is intended to be consistent with the Memorandum of Understanding entered into between the City of Bellevue and the Central Puget Sound Regional Transit Authority, effective November 15, 2011, which calls for a package of Land Use Code amendments that, if adopted, would accomplish the following objectives: (a) Provide certainty and predictability for the City, the Regional Light Rail Transit authority, and the public with respect to land use code requirements and processes; (b) Allow for the City Council, through a development agreement, to establish a comprehensive and consolidated permit process for the Project; (c) Add provisions in the Land Use Code to accommodate Light Rail Transit Facilities and Systems as a permitted use allowed under the consolidated permit process; (d) Allow for extended vesting or duration of land use approvals for the Project; and (e) Provide a mechanism for addressing any Land Use Code requirements that are impractical or infeasible for the Project.

Translation and American Sign Language services are available with notice by noon on Friday, October 19. Please call (425) 455-4162 (voice) or 711 (TDD Relay Service) if you require interpretation services.

Any person may participate in the public hearing by submitting written comments to the City Council in care of Myrna Basich, City Clerk, P.O. Box 90012, Bellevue, WA 98009, or the Development Services Department at the same address before the public hearing, by email at mbasich@bellevuewa.gov or cdrews@bellevuewa.gov or by submitting written comments or making oral comments to the City Council at the hearing. All written comments received by the City Clerk or the Development Services Department will be transmitted to the City Council no later than the date of the public hearing. Written comments will also be accepted and may be mailed or e-mailed to Catherine A. Drews, Legal Planner, Development Services Department, City of Bellevue, P.O. Box 90012, Bellevue, Washington, 98009-9012 or by e-mail to cdrews@bellevuewa.gov. All written comments must be received by 5:00 pm, on October 22, 2012, in order to be provided to the City Council prior to the Public Hearing.

Applicant Contact: Catherine A. Drews, City of Bellevue Development Services Department, 425-452-6134.

Questions relating to the public hearing process: Myrna Basich, City Clerk, 425-452-2733.

City Council Extended Session
Monday, October 22, 2012
Meeting starts at 6:00 PM
Bellevue City Hall, Council Chambers
450 110th Avenue NE, Bellevue, WA

Affidavit of posting has been filed with the City Clerk for the Bellevue City Council.

Dated this 2nd day of October, 2012.

Myrna L. Basich, City Clerk